

SENATE BILL 128

M1

2lr0015

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 18, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 20, 2012

CHAPTER _____

1 AN ACT concerning

2 **Abandoned Land – Certificates of Reservation for Public Use**

3 FOR the purpose of repealing the termination date for certain provisions of the Real
4 Property Article relating to the definition of “abandoned land” and obtaining
5 certificates of reservation of land for public use; and generally relating to
6 certificates of reservation of land for public use and abandoned land.

7 BY repealing and reenacting, without amendments,
8 Article – Real Property
9 Section 13–101
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 92 of the Acts of the General Assembly of 2007
14 Section 2

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Real Property**

18 13–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this title the following words have the meanings indicated unless
2 otherwise apparent from context.

3 (b) “Abandoned land” means land that has boundaries that are located
4 within or contiguous to land owned and managed by the Department of Natural
5 Resources:

6 (1) For which no property tax payment has been made within 20 years
7 immediately preceding the date of an application for a certificate of reservation for
8 public use by a unit of State government; and

9 (2) Which has not been actually possessed by a person, under claim of
10 title or otherwise, for a continuous period of 20 years immediately preceding the date
11 of an application for a certificate of reservation for public use by a unit of State
12 government.

13 (c) “Certificate of reservation” means a certificate issued by the
14 Commissioner at the request of a governmental body upon a determination that
15 vacant land or abandoned land exists and the governmental body wishes to reserve the
16 land for public use.

17 (d) “Commission” means the Hall of Records Commission.

18 (e) “Commissioner” means the State Archivist who, while performing the
19 duties and exercising the powers provided in this title, is known as the “Commissioner
20 of Land Patents”.

21 (f) “Expense” includes any charge, cost, deposit, fee, or tax incurred in
22 connection with a land patent proceeding.

23 (g) “Governmental body” includes any unit of State government, any county
24 or municipal corporation, or any agency or instrumentality of any county or municipal
25 corporation.

26 (h) (1) “Land” means any area of land in the State, including any two or
27 more areas of land with a common boundary for at least part of their perimeters.

28 (2) “Land” includes vacant land and abandoned land.

29 (3) “Land” does not include any area covered by navigable water
30 unless it was included in a patent issued before March 3, 1862.

31 (i) “Mail” means to deposit in the United States mails, postage prepaid,
32 endorsed “Restricted Delivery — Return Receipt Requested”.

33 (j) “Patent” means:

1 (1) Any grant confirmed by Article 5 of the Declaration of Rights of the
2 Maryland Constitution;

3 (2) Any valid grant made under prior law by the State of its interests
4 in any vacant, resurveyed, escheat, or confiscated land; or

5 (3) Any grant made under this title by the State of its interest in any
6 land.

7 (k) "Public use" means use by or for the benefit of the public.

8 (l) "Survey", whether used as a noun or as a verb in any form or tense,
9 means:

10 (1) The act of surveying any vacant land in order to obtain a patent for
11 the land; or

12 (2) The act of resurveying any land for which a patent previously was
13 issued in order to obtain a new patent for the land.

14 (m) "Surveyor" means any professional land surveyor or property line
15 surveyor licensed under the Maryland Professional Land Surveyors Act.

16 (n) "Vacant land" means land for which a patent never has been issued or for
17 which the applicant believes that a patent never has been issued.

18 (o) "Verify" means to state in writing, under penalties of perjury, that the
19 matters and facts set forth in the document to which the statement relates are true
20 and complete to the best of the knowledge, information, and belief of the person
21 making the statement.

22 Chapter 92 of the Acts of 2007

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007. [It shall remain effective for a period of 5 years and, at the end of
25 September 30, 2012, with no further action required by the General Assembly, this Act
26 shall be abrogated and of no further force and effect.]

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2012.